

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WELLS LAMONT, INC.,

Plaintiff,

-against-

M.V. "X-PRESS RESOLVE",
her engines, boilers, etc.,

-and against-

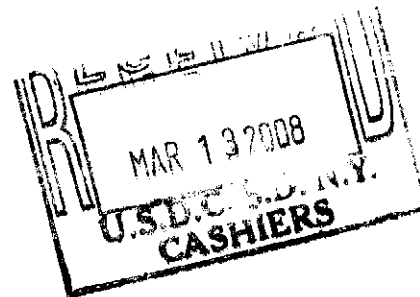
HANJIN SHIPPING CO., LTD.

Defendants.

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08 CIV. 02519
VERIFIED COMPLAINT

08 CIV.



1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, WELLS LAMONT, INC., is a legal entity organized under the law, with an office located at 6640 West Touhy Avenue, Niles, Illinois 60714. Defendant, HANJIN SHIPPING CO., LTD., is a legal entity organized under the law, with an office located at 80 East Route 4, Suite 490, Paramus, New Jersey 07652.
3. During all times herein mentioned, defendant was the owner and/or operator of the M.V. "X-PRESS RESOLVE" and operated it in the common carriage of goods by water for hire between Calcutta and Savannah, Georgia.
4. The M.V. "X-PRESS RESOLVE" is now or during the pendency of this action will be, within this District.

5. On or about June 22, 2007, Rama Overseas Ltd. delivered a shipment of 1,101 ctns of industrial leather hand gloves to defendant, as a common carrier at the port of Calcutta in good condition, for transportation on board the M.V. "X-PRESS RESOLVE" to Savannah, Georgia, and delivery to Philadelphia, Mississippi, in consideration of an agreed freight and pursuant to the valid terms and conditions of a clean on-board bill of lading issued by defendant and the M.V. "X-PRESS RESOLVE".
6. Defendant caused said goods, still in good order and condition to be laden on board the M.V. "X-PRESS RESOLVE". Upon information and belief, on or about June 28, 2007, the M.V. "X-PRESS RESOLVE" lost plaintiff's cargo overboard; thereafter the vessel which was scheduled to complete the voyage to Savannah arrived at the port of Savannah and failed to deliver said shipment.
7. Prior to June 28, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$225,000.00, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

WHEREFORE, plaintiff prays:

1. That the M.V. "X-PRESS RESOLVE" be arrested;
2. That process issue against defendant HANJIN SHIPPING CO., LTD. and that defendant be cited to appear and answer the allegations of the complaint;

3. That an interlocutory judgment be entered in favor of the plaintiff against the M.V. "X-PRESS RESOLVE", against defendants directing that the plaintiff recover its damages and that the M.V. "X-PRESS RESOLVE", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M.V. "X-PRESS RESOLVE", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York
March 11, 2008

McDERMOTT & RADZIK, LLP
Attorneys for Plaintiff

By: 

William R. Connor III (WC 4631)
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New York, New York 10005
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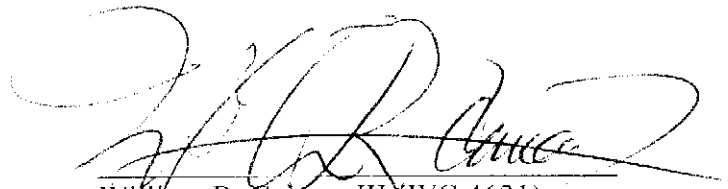
STATE OF NEW YORK)
 : S.S.
COUNTY OF NEW YORK)

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, LLP, attorneys for the Plaintiffs in this action.

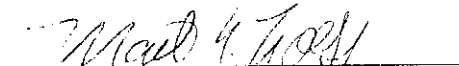
I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4634)

Sworn to before me this
11th day of March, 2008



Notary Public

MATTHEW T. LOESBERG
Notary Public, State of New York
No. 02106051626
Qualified in New York County
Commission Expires 12-31-2010